



**PB #13-15: Baked by Angles "Café" Conditional Use Permit  
Granted / Neg. Dec.**

**Town of Orangetown Planning Board Decision  
April 10, 2013  
Page 1 of 6**

**TO:** Diane Banta, 12 Palisades Avenue, Nanuet, New York 10954  
**FROM:** Orangetown Planning Board

**RE:** Baked by Angles "Café" Conditional Use Permit: The application of Diane Banta, applicant, for Jim Damiani & Jackie Beers, owners, for Conditional Use Permit Review, Preliminary/ Preliminary/ Final Review, (Dominick Burrascano, attorney for the applicant) at a site to be known as "Baked by Angles "Café" Conditional Use Permit", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 3 Veterans Parkway, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.05, Block 2, Lot 76 in the CO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, April 10, 2013**, at which time the Board made the following determination:

Diane Banta and Phyllis Damiano appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated April 3, 2013.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated April 10, 2013.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., April 4, 2013.
4. A letter from Rockland County Department of Planning, signed by Thomas Vanderbeek, P.E., Commissioner of Planning, dated March 28, 2013.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., March 28, 2013.
6. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated March 21, 2013.
7. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated March 13, 2013.
8. A Short Environmental Assessment Form signed by Diana Banta, dated March 13, 2013.

**TOWN CLERKS OFFICE**

**2013 APR 25 AM 10 16**

**TOWN OF ORANGETOWN**

**PB #13-15: Baked by Angles "Café" Conditional Use Permit  
Granted / Neg. Dec.**

**Town of Orangetown Planning Board Decision  
April 10, 2013  
Page 2 of 6**

9. Plans noting interior layout of storefront, approved by Rockland County Health Department, dated March 1, 2013.
10. Copy of Building Permit application, dated February 28, 2013.

The Board reviewed the Plan

There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by William Young and second by Michael Mandel and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Jeffrey Golda, aye and John Foody, absent.

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Michael Mandel and seconded by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; John Foody, absent and Jeffrey Golda, aye, the Board declared itself Lead Agency.

Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board's analysis of all of the submissions by the applicant, interested agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of

TOWN CLERKS OFFICE  
2013 APR 25 AM 10 16  
TOWN OF ORANGETOWN

**PB #13-15: Baked by Angles "Café" Conditional Use Permit  
Granted / Neg. Dec.**

**Town of Orangetown Planning Board Decision  
April 10, 2013  
Page 3 of 6**

Environmental Management and Engineering, and having heard from the following involved and interested agencies: Rockland County Department of Highways, Rockland County Sewer No. 1 and having reviewed the proposed plan, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources; -Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion by Michael Mandel and seconded by William Young and carried as follows: Kevin Garvey, aye; Michael Mandel, aye; Bruce Bond, aye; Robert Dell, aye; John Foody, absent; William Young, aye; and Jeffrey Golda, aye, the Board made a Negative Declaration pursuant to SEQRA.

**In view of the foregoing and the testimony before the Board, the application was GRANTED A CONDITIONAL USE PERMIT, pursuant to Chapter 43, Section 8.1 of the Town of Orangetown Zoning Code. The Board made the following Findings and Comments:**

- The proposed use, size and character is in harmony with the development in the district in which it is proposed to be situated and will not be detrimental to the zoning classification of such properties.
- The proposed location and size of the use, nature and intensity of operations involved, and the site layout in relation to access streets will not be hazardous to pedestrian or vehicular traffic.

TOWN CLERKS OFFICE

2013 APR 25 AM 10 16

TOWN OF ORANGETOWN

**PB #13-15: Baked by Angles "Café" Conditional Use Permit  
Granted / Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**April 10, 2013**

**Page 4 of 6**

- The proposed location of the use will not hinder or discourage development or use of adjacent land and buildings.
- The proposed use will not require additional public services or create fiscal burdens upon the Town of Orangetown greater than those which characterize uses permitted by right.

**In addition, the approval is SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The Short Environmental Assessment Form appears to be in order.
2. The applicant is advised that the Town of Orangetown has a new F.O.G. (Fat, Oil and Grease) program, which must be complied. The applicant shall contact the Town's F.O.G. Coordinator to determine if this criterion is applicable.
3. Rockland County Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
  - a. A review must be completed by the Rockland County Department of Highways and all required permits obtained.
  - b. A review must be completed by the Rockland County Department of Health for the proposed food establishment, and any required permits obtained.
  - c. A review shall be completed by the New York State Department of Transportation and any required permits obtained.
4. The Rockland County Department of Highways noted that North Middletown Road is a County Road. A Rockland County Highway Department Work Permit will be required before any construction activity on site.
5. The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.
6. The Town of Orangetown Bureau of Fire Prevention had the following comments which are incorporated herein as conditions of approval:
  - a. Provide 1 exist sign/emergency light over the front exist and egress in compliance with Chapter 10 of the New York State Fire Code.
  - b. Provide fire extinguishers installed as per NFPA 10.
  - c. Provide a NFPA 72 compliant fire alarm system with direct connection to 44 Control, as per Chapter 15 of the Town of Orangetown Fire Code.

**TOWN CLERKS OFFICE**

**2013 APR 25 AM 10 16**

**TOWN OF ORANGETOWN**

**PB #13-15: Baked by Angles "Café" Conditional Use Permit  
Granted / Neg. Dec.**

**Town of Orangetown Planning Board Decision  
April 10, 2013  
Page 5 of 6**

**Continuation of Condition #6.....**

- d. In any cooking or frying is being done, a type 1 hood and duct system must be installed with fire suppression in compliance with NFPA 96.
  - e. Provide one keybox installed at the front entrance for Fire Department access in the event of an alarm or fire after normal business hours. An order form will be provided by the Town of Orangetown Bureau of Fire Prevention Office upon request.
  - f. If any wall coverings, carpet or ceiling tiles are used, a flame spread rating for each must be supplied to the Town of Orangetown Bureau of Fire Prevention Office.
  - g. The applicant shall apply for and maintain a Certificate of Compliance Fire Safety Codes and the associated fee.
7. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
- Rockland County Sewer District #1
  - Rockland County Department of Highways

**Overrides**

The Board made a motion to override Conditions #2 and #3 of the March 28, 2013 letter from Rockland County Department of Planning, signed by Thomas Vanderbeek, P.E., Commissioner of Planning, for the following reasons:

#2. We received a partial site plan, so it is difficult to determine if all of the information that we seek was provided elsewhere. The following information must be provided so that we can do a comprehensive review:

- 1) A bulk table with all applicable bulk regulations must be provided. This table should show both required and existing/proposed conditions;
- 2) Parking calculations for the entire site must be provided. Since two other uses will share this building, and since the building is located on the corner of North Middletown Road, a County highway, it is critical to be assured that adequate parking is provided.

The Board held that a Site Plan was not required since the application was for a Conditional Use Permit. The building and parking is existing and the proposed use is consistent with the existing uses in the building.

A motion to override the condition was made and moved by Michael Mandel and seconded by William Young and carried as follows:  
Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, absent.

**TOWN CLERKS OFFICE**

**2013 APR 25 AM 10 16**

**TOWN OF ORANGETOWN**

**PB #13-15: Baked by Angles "Café" Conditional Use Permit  
Granted / Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**April 10, 2013**

**Page 6 of 6**

#3. Some of the parking area is shown on the corner of Veterans Parkway and North Middletown Road. This parking area should only be accessed from Veterans Parkway to avoid conflict points on the County roadway. In addition, no vehicles shall back out from these parking spots into the County highway.

The Board held that a Site Plan was not required since the application was for a Conditional Use Permit. The building and parking is existing and the proposed use is consistent with the existing uses in the building.

A motion to override the condition was made and moved by Michael Mandel and seconded by William Young and carried as follows:  
Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, absent.

The foregoing Resolution was made and moved by William Young and seconded by Michael Mandel and carried as follows: Kevin Garvey, aye, Bruce Bond, aye; Robert Dell, aye; Michael Mandel, aye; John Foody, absent; Jeffrey Golda, aye; and William Young, aye.

The Clerk of the Board is hereby authorized, directed and empowered to sign this **DECISION** and file a certified copy in the Office of the Town Clerk and this Office of the Planning Board.

**Dated: April 10, 2013**

**Town of Orangetown Planning Board**

attachment

*Cheryl Coopersmith*

TOWN CLERKS OFFICE

2013 APR 25 AM 10:16

TOWN OF ORANGETOWN

**State Environmental Quality Review Regulations  
NEGATIVE DECLARATION  
Notice of Determination of Non-Significance**

**PB #13-15: Baked by Angles "Café" Conditional Use Permit  
Granted / Neg. Dec.**

**Town of Orangetown Planning Board Decision  
April 10, 2013**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law. The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

**NAME OF ACTION: Baked by Angles "Café" Conditional Use Permit**

**SEQR STATUS:** Type I \_\_\_\_\_ Unlisted XXXXXX  
**CONDITIONED NEGATIVE DECLARATION:** Yes \_\_\_\_\_ No XXXXXX

**DESCRIPTION OF ACTION: : Baked by Angles "Café" Conditional Use Permit  
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**LOCATION:** The site is located at 3 Veterans Parkway, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.05, Block 2, Lot 76 in the CO zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

The Orangetown Planning Board, as Lead Agency, determined that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared. The reasons supporting this determination are as follows:

The project will not have a significant impact upon the environment and a DEIS need not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels or existing external traffic patterns. In addition, it will have no impact upon the aesthetic, agricultural or cultural resources of the neighborhood. No vegetation, fauna or wildlife species will be affected as a result of this proposed development. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

If Conditioned Negative Declaration, the specific mitigation is provided on an attachment.

For Further Information contact:

John Giardiello, P.E., Director, Office of Building, Zoning and Planning  
Administration and Enforcement; Town of Orangetown; 20 Greenbush Road  
Orangeburg, NY 10962; Telephone Number: 845-359-5100  
For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental Conservation, - Region 3 Headquarters, NYSDEC, - Town Supervisor, Applicant  
- Involved Agencies

TOWN CLERKS OFFICE

2013 APR 25 AM 10 15

TOWN OF ORANGETOWN